

AMENDED IN SENATE APRIL 6, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 737

Introduced by Senator Romero

(Principal coauthors: Senators Alquist and Campbell)

(Principal coauthors: Assembly Members Bass, Leno, and Liu)

February 22, 2005

An act to amend Section 11552 of, to add Article 14 (commencing with Section 12838) to Chapter 1 of Part 2.5 of Division 3 of Title 2 of, and to repeal Sections 11560, 11563.1, 12811, and 12811.1 of, the Government Code, and to amend Sections 2800, 2802, 2803, 2804, 2806, 2807, 2808, 2809, 2810, 2810.5, 2811, 2815, 2816, 3041, 3041.1, 5000, 5001, 5003.5, 5050, 5052, 5054, 5055, 5057, 5075, 5076.1, 6024, 6025, 6026, 6030, 6050, 7518, 13600, 13601, 13602, 13603, 13810, and 14204 of, to amend the headings of Chapter 1 (commencing with Section 5000), Chapter 2 (commencing with Section 5050), Chapter 3 (commencing with Section 5075), Chapter 4 (commencing with Section 6001), and Chapter 5 (commencing with Section 6024) of Title 7 of Part 3 of, and to amend the heading of Title 4.5 (commencing with Section 13600) of Part 4, of, and to add Sections 5075.1, ~~5075.7~~ 5075.6, and 6126.6 to, and to repeal Sections 2036, 2038, 2043.3, 2045.3, 2046.3, 2048.3, 2048.7, 2079, 5051, 5051.5, 5053, 5067, 5082, 6001, 6003, and 6004 of, and to repeal Article 3 (commencing with Section 2400) of Chapter 2 of Title 1 of Part 3 of, the Penal Code, and to amend Sections 1000, 1703, 1710, 1711, 1712, 1713, 1714, 1716, 1719, 1720, 1723, 1725, 1766, 1798, 3150, 3151, 3158, 3300, and 3309 of, and to repeal Sections 1717, 1718, 1721, 1722, and 3157 of, and to repeal and add Section 1798.5 the Welfare and Institutions Code, relating to reorganizing the Youth

and Adult Correctional Agency, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

SB 737, as amended, Romero. Corrections.

Existing law establishes the Youth and Adult Correctional Agency, which consists of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the Board of Corrections, the Youth Authority Board, and the Narcotic Addict Evaluation Authority.

This bill would abolish those departments and boards, and instead create the Department of Corrections and Rehabilitation, which would consist of the Division of Adult Operations, the Division of Adult Programs, the Division of Juvenile Justice, the Corrections Standards Authority, the Board of Parole Hearings, the State Commission on Juvenile Justice, the Prison Industry Authority, and the Prison Industry Board. The department would be headed by the Secretary of the Department of Corrections and Rehabilitation, who would be appointed by, and hold office at the pleasure of, the Governor, subject to confirmation by the Senate. The bill would authorize the Governor to appoint, an undersecretary, and would require the Governor to appoint 3 chief deputy secretaries, and an assistant secretary for health care policy, all subject to Senate confirmation. *It would also authorize the Governor to appoint assistant secretaries for victim and survivor rights and services and for correctional safety.*

The bill would create the Division of Adult Institutions and the Division of Adult Parole Operations under the Chief Deputy Secretary for Adult Operations. Each division would be headed by a division chief, appointed by the Governor, and subject to Senate confirmation. The bill would require the Governor to appoint 5 subordinate officers to the chief of the Division of Adult Institutions, subject to Senate confirmation, to head identified areas of adult institutions.

The bill would create the Division of Community Partnerships, the Division of Education, Vocations, and Offender Programs, and the Division of Correctional Health Care Services under the Chief Deputy for Adult Programs, each to be headed by a chief who is appointed by the Governor and subject to Senate confirmation.

The bill would create the Division of Juvenile Facilities, the Division of Juvenile Programs, and the Division of Juvenile Parole

Operations under the Chief Deputy of Juvenile Justice, each to be headed by a chief who is appointed by the Governor and subject to Senate confirmation.

The bill would authorize the Governor to request the State Personnel Board to use extensive recruitment and merit selection techniques and procedures to provide lists of persons qualified for appointment to all of the above positions.

The bill would vest the new department with all the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the Youth and Adult Correctional Agency, the Department of Corrections, the Department of the Youth Authority, the Commission on Correctional Peace Officer Standards and Training, the Board of Corrections, and the State Commission on Juvenile Justice, Crime and Delinquency Prevention. The bill would maintain the existing functions, powers, responsibilities, and jurisdiction of the Council on Mentally Ill Offenders, Prison Industry Authority, Prison Industry Authority Board, California Council for Interstate Adult Offender Supervision, and the Joint Venture Policy Advisory Board under the new department.

Under existing law, the Board of Prison Terms is comprised of 9 members, appointed by the Governor, with the advice and consent of the Senate, each for a term of 4 years and until the appointment of a successor.

Under this bill, the Board of Parole Hearings would be comprised of 17 commissioners, appointed by the Governor, subject to Senate confirmation, for 3-year terms. Of those commissions, 12 would be appointed and trained to hear only adult parole matters, and 5 would be appointed and trained only to hear juvenile parole matters. The board would be vested with all of the powers, duties, responsibilities, obligations, liabilities, and jurisdiction of the Board of Prison Terms, the Narcotic Addict Evaluation Authority, and the Youth Authority Board. This bill would authorize the Governor to appoint an executive officer of the board, subject to Senate confirmation.

Existing law prescribes the procedures for holding en banc hearings of the Board of Prison Terms.

This bill would define an en banc hearing of the Board of Parole Hearings to mean a hearing conducted by a committee of 9 randomly selected commissioners who are specifically appointed to hear adult parole matters.

The bill would prescribe specified backgrounds of, and training for, persons appointed to be commissioners of the board.

Under existing law, the Board of Corrections is comprised of 15 members.

Under this bill, the Corrections Standards Authority would be comprised of 19 members. The bill would vest the new authority with all of the duties, functions, and responsibilities of the Board of Corrections and the Commission on Correctional Peace Officer Standards and Training.

Existing law prescribes the duty of the wardens to supervise the government, discipline and policy of the prisons, and to enforce all orders and regulations, subject to the orders and the policies established by the Department of Corrections.

This bill would repeal that provision, and would change all references to “warden” to “chief operating officer.”

Under existing law, the Inspector General is responsible for reviewing departmental policy and procedures for conducting audits of investigatory practices and other audits, as well as conducting investigations of the Department of Corrections, the Department of the Youth Authority, the Board of Prison Terms, the ~~Youthful Offender Parole~~ *Youth Authority* Board, the Board of Corrections, the Narcotic Addict Evaluation Authority, the Prison Industry Authority, and the Youth and Adult Correctional Agency, as requested by either the Secretary of the Youth and Adult Correctional Agency or a Member of the Legislature.

This bill would also require the Inspector General to review, confidentially, every candidate for chief operating officer, in order to determine the qualifications of each candidate, and to give a recommendation of whether or not each candidate is qualified for the position.

Existing law establishes the State Commission on Juvenile Justice, Crime, and Delinquency Prevention.

This bill would abolish that commission and instead create the State Commission on Juvenile Justice, to provide comprehensive oversight, planning, and coordination of efforts leading to the improvement of juvenile justice among state and local agencies.

The bill would make other related changes to implement the creation of the new department.

The bill would state the intent of the Legislature that the changes made in the bill supplement and refine Governor’s Reorganization

Plan No. 1, and to the extent that any conflicts exist between that measure and this bill, the changes made in this bill will prevail. The bill would become operative only if Governor's Reorganization Plan No. 1 becomes effective in which case it would become operative on July 1, 2005.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: $\frac{2}{3}$. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 11552 of the Government Code is
2 amended to read:
3 11552. Effective January 1, 1988, an annual salary of
4 eighty-five thousand four hundred two dollars (\$85,402) shall be
5 paid to each of the following:
6 (a) Commissioner of Financial Institutions.
7 (b) Commissioner of Corporations.
8 (c) Insurance Commissioner.
9 (d) Director of Transportation.
10 (e) Real Estate Commissioner.
11 (f) Director of Social Services.
12 (g) Director of Water Resources.
13 (h) Chief Deputy Secretary for Adult Operations of the
14 Department of Corrections and Rehabilitation.
15 (i) Director of General Services.
16 (j) Director of Motor Vehicles.
17 (k) Chief Deputy Secretary for Juvenile Justice in the
18 Department of Corrections and Rehabilitation.
19 (l) Executive Officer of the Franchise Tax Board.
20 (m) Director of Employment Development.
21 (n) Director of Alcoholic Beverage Control.
22 (o) Director of Housing and Community Development.
23 (p) Director of Alcohol and Drug Abuse.
24 (q) Director of the Office of Statewide Health Planning and
25 Development.
26 (r) Director of the Department of Personnel Administration.
27 (s) Chairperson and Member of the Board of Equalization.
28 (t) Secretary of Technology, Trade, and Commerce.

1 (u) State Director of Health Services.
2 (v) Director of Mental Health.
3 (w) Director of Developmental Services.
4 (x) State Public Defender.
5 (y) Director of the California State Lottery.
6 (z) Director of Fish and Game.
7 (aa) Director of Parks and Recreation.
8 (ab) Director of Rehabilitation.
9 (ac) Director of Veterans Affairs.
10 (ad) Director of Consumer Affairs.
11 (ae) Director of Forestry and Fire Protection.
12 (af) The Inspector General pursuant to Section 6125 of the
13 Penal Code.
14 (ag) Director of Child Support Services.
15 (ah) Director of Industrial Relations.
16 (ai) Chief Deputy Secretary for Adult Programs in the
17 Department of Corrections and Rehabilitation.
18 The annual compensation provided by this section shall be
19 increased in any fiscal year in which a general salary increase is
20 provided for state employees. The amount of the increase
21 provided by this section shall be comparable to, but shall not
22 exceed, the percentage of the general salary increases provided
23 for state employees during that fiscal year.
24 SEC. 2. Section 11560 of the Government Code is repealed.
25 SEC. 3. Section 11563.1 of the Government Code is repealed.
26 SEC. 4. Section 12811 of the Government Code is repealed.
27 SEC. 5. Section 12811.1 of the Government Code is repealed.
28 SEC. 6. Article 14 (commencing with Section 12838) is
29 added to Chapter 1 of Part 2.5 of Division 3 of Title 2 of the
30 Government Code, to read:

31
32 Article 14. Department of Corrections and Rehabilitation
33

34 12838. (a) There is hereby created in state government the
35 Department of Corrections and Rehabilitation, to be headed by a
36 secretary, who shall be appointed by the Governor, subject to
37 Senate confirmation, and shall serve at the pleasure of the
38 Governor. The Department of Corrections and Rehabilitation
39 shall consist of Adult Operations, Adult Programs, Juvenile
40 Justice, the Corrections Standards Authority, the Board of Parole

1 Hearings, the State Commission on Juvenile Justice, the Prison
2 Industry Authority, and the Prison Industry Board.

3 (b) The Governor, upon recommendation of the secretary, may
4 appoint an Undersecretary of the Department of Corrections and
5 Rehabilitation, subject to Senate confirmation. The
6 undersecretary shall hold office at the pleasure of the Governor.

7 (c) The Governor, upon recommendation of the secretary,
8 shall appoint three chief deputy secretaries, subject to Senate
9 confirmation, who shall hold office at the pleasure of the
10 Governor. One chief deputy secretary shall oversee adult
11 operations, one chief deputy secretary shall oversee adult
12 programs, and one chief deputy secretary shall oversee juvenile
13 justice for the department.

14 (d) The Governor, upon recommendation of the secretary,
15 shall appoint an assistant secretary, subject to Senate
16 confirmation, who shall be responsible for health care policy for
17 the department, and shall serve at the pleasure of the Governor.

18 *(e) The Governor, upon recommendation of the secretary,*
19 *shall appoint an Assistant Secretary for Victim and Survivor*
20 *Rights and Services, and an Assistant Secretary for Correctional*
21 *Safety, who shall serve at the pleasure of the Governor.*

22 12838.1. There is hereby created within the Department of
23 Corrections and Rehabilitation, under the Chief Deputy Secretary
24 for Adult Operations, the Division of Adult Institutions and the
25 Division of Adult Parole Operations. Each division shall be
26 headed by a division chief, who shall be appointed by the
27 Governor, upon recommendation of the secretary, subject to
28 Senate confirmation, who shall serve at the pleasure of the
29 Governor.

30 (b) The Governor shall, upon recommendation of the
31 secretary, appoint five subordinate officers to the Chief of the
32 Division of Adult Institutions, subject to Senate confirmation,
33 who shall serve at the pleasure of the Governor. Each subordinate
34 officer appointed pursuant to this subdivision shall oversee an
35 identified category of adult institutions, one of which shall be
36 female offender facilities.

37 12838.2. There is hereby created within the Department of
38 Corrections and Rehabilitation, under the Chief Deputy Secretary
39 for Adult Programs, the Division of Community Partnerships, the
40 Division of Education, Vocations and Offender Programs, and

1 the Division of Correctional Health Care Services. Each division
2 shall be headed by a chief who shall be appointed by the
3 Governor, at the recommendation of the secretary, subject to
4 Senate confirmation, who shall serve at the pleasure of the
5 Governor.

6 12838.3. There is hereby created within the Department of
7 Corrections and Rehabilitation under the Chief Deputy Secretary
8 for Juvenile Justice, the Division of Juvenile Facilities, the
9 Division of Juvenile Programs, and the Division of Juvenile
10 Parole Operations. Each division shall be headed by a chief, who
11 shall be appointed by the Governor, at the recommendation of the
12 secretary, subject to Senate confirmation, who shall serve at the
13 pleasure of the Governor.

14 12838.4. The Board of Parole Hearings is hereby created. The
15 Board of Parole Hearings shall be comprised of 17
16 commissioners, who shall be appointed by the Governor, subject
17 to Senate confirmation, for three-year terms. The Board of Parole
18 Hearings hereby succeeds to, and is vested with, all the powers,
19 duties, responsibilities, obligations, liabilities, and jurisdiction of
20 the following entities, which shall no longer exist: Board of
21 Prison Terms, Narcotic Addict Evaluation Authority, and
22 Youthful Offender Parole Board. For purposes of this article, the
23 above entities shall be known as “predecessor entities.”

24 12838.5. The Department of Corrections and Rehabilitation
25 hereby succeeds to, and is vested with, all the powers, duties,
26 responsibilities, obligations, liabilities, and jurisdiction of the
27 following entities, which shall no longer exist: Youth and Adult
28 Correctional Agency, Department of Corrections, Department of
29 the Youth Authority, Commission on Correctional Peace Officer
30 Standards and Training, Board of Corrections, and State
31 Commission on Juvenile Justice, Crime and Delinquency
32 Prevention. For purposes of this article, the above entities shall
33 be known as “predecessor entities.”

34 12838.6. The following entities shall be continued in
35 existence within the Department of Corrections and
36 Rehabilitation and shall retain existing functions, powers,
37 responsibilities, and jurisdiction, except as expressly provided
38 otherwise: Council on Mentally Ill Offenders, Prison Industry
39 Authority, Prison Industry Authority Board, California Council
40 for Interstate Adult Offender Supervision, and the Joint Venture

1 Policy Advisory Board. For purposes of this article, these shall
2 be known as “continuing entities.”

3 12838.7. (a) The Secretary of the Department of Corrections
4 and Rehabilitation shall serve as the Chief Executive Officer of
5 the Department of Corrections and Rehabilitation and shall have
6 all of the powers and authority which are conferred upon a head
7 of a state department by Chapter 2 (commencing with Section
8 11150) of Part 1 of Division 3 of Title 2 of the Government
9 Code.

10 (b) Without limiting any other powers or duties, the secretary
11 shall assure compliance with the terms of any state plan,
12 memorandums of understanding, administrative order,
13 interagency agreements, assurances, single state agency
14 obligations, federal statute and regulations, and any other form of
15 agreement or obligation that vital government activities rely
16 upon, or are a condition to, the continued receipt by the
17 department of state or federal funds or services. This includes,
18 but is not limited to, the designation, appointment, and provision
19 of individuals, groups, and resources to fulfill specific
20 obligations of any agency, board, or department that is abolished
21 pursuant to Section 12838.4 or 12838.5.

22 12838.8. All regulations adopted by the predecessor entities,
23 continuing entities, and any of their predecessors are expressly
24 continued in force. Any statute, law, rule, or regulation now in
25 force, or that may hereafter be enacted or adopted with reference
26 to the predecessor entities and any of their predecessors shall
27 mean the Department of Corrections and Rehabilitation. Any
28 action concerning these duties, responsibilities, obligations,
29 liabilities, and functions shall not abate but shall continue in the
30 name of the Department of Corrections and Rehabilitation, and
31 the Department of Corrections and Rehabilitation shall be
32 substituted for the predecessor entities and continuing entities by
33 the court wherein the action is pending. The substitution shall not
34 affect the rights of the parties to the action.

35 12838.9. No contract, lease, license, or any other agreement
36 to which the predecessor entities, continuing entities, and any of
37 their predecessors are a party shall be void or voidable by reason
38 of this measure, but shall continue in full force and effect, with
39 the Department of Corrections and Rehabilitation assuming all of
40 the rights, obligations, and duties of the predecessor entities. That

1 assumption by the Department of Corrections and Rehabilitation
2 shall not in any way affect the rights of the parties to the contract,
3 lease, license, or agreement. Bonds issued by the predecessor
4 entities, continuing entities, and any of their predecessors on or
5 before July 1, 2005, shall become the indebtedness of any newly
6 created entity. Any ongoing obligations or responsibilities of the
7 predecessor entities, continuing entities, and any of their
8 predecessors for managing and maintaining bond issuances shall
9 be transferred to the newly created entity without impairment to
10 any security contained in the bond instrument.

11 12838.10. On and after July 1, 2005, the unencumbered
12 balance of all money available for expenditure by the predecessor
13 entities, continuing entities, and any of their predecessors in
14 carrying out any functions transferred to the Department of
15 Corrections and Rehabilitation by this measure shall be made
16 available for the support and maintenance of the Department of
17 Corrections and Rehabilitation. All books, documents, records,
18 and property of the predecessor entities shall be transferred to the
19 Department of Corrections and Rehabilitation.

20 12838.11. On and after July 1, 2005, positions filled by
21 appointment by the Governor in the predecessor entities or
22 continuing entities shall be transferred to the Department of
23 Corrections and Rehabilitation. Individuals in positions
24 transferred pursuant to this section shall serve at the pleasure of
25 the Governor, unless as otherwise expressly stated. Titles of
26 positions transferred pursuant to this section shall be determined
27 by the secretary with the approval of the Governor. Salaries of
28 positions transferred shall remain at the level established
29 pursuant to law on June 30, 2005.

30 12838.12. (a) Any officer or employee of the predecessor
31 entities who is engaged in the performance of a function
32 specified in this reorganization plan and who is serving in the
33 state civil service, other than as a temporary employee, shall be
34 transferred to the Department of Corrections and Rehabilitation
35 pursuant to the provisions of Section 19050.9.

36 (b) Any officer or employee of the continuing entities who is
37 engaged in the performance of a function specified in this
38 reorganization plan and who is serving in the state civil service,
39 other than as a temporary employee, shall continue such status

1 with the continuing entity pursuant to the provisions of Section
2 19050.9.

3 (c) The status, position, and rights of any officer or employee
4 of the predecessor entities shall not be affected by the transfer
5 and shall be retained by the person as an officer or employee of
6 the Department of Corrections and Rehabilitation, as the case
7 may be, pursuant to the State Civil Service Act (Part 2
8 (commencing with Section 18500) of Division 5 of Title 2 of the
9 Government Code), except as to a position that is exempt from
10 civil service.

11 12838.13. This article shall become operative as of July 1,
12 2005.

13 SEC. 7. Section 2036 of the Penal Code is repealed.

14 SEC. 8. Section 2038 of the Penal Code is repealed.

15 SEC. 9. Section 2043.3 of the Penal Code is repealed.

16 SEC. 10. Section 2045.3 of the Penal Code is repealed.

17 SEC. 11. Section 2046.3 of the Penal Code is repealed.

18 SEC. 12. Section 2048.3 of the Penal Code is repealed.

19 SEC. 13. Section 2048.7 of the Penal Code is repealed.

20 SEC. 14. Section 2079 of the Penal Code is repealed.

21 SEC. 15. Article 3 (commencing with Section 2400) of
22 Chapter 2 of Title 1 of Part 3 of the Penal Code is repealed.

23 SEC. 16. Section 2800 of the Penal Code is amended to read:

24 2800. Commencing July 1, 2005, there is hereby continued
25 in existence within the Department of Corrections and
26 Rehabilitation the Prison Industry Authority. As used in this
27 article "authority" means the Prison Industry Authority.
28 Commencing July 1, 2005, any reference to the Department of
29 Corrections shall refer to the Department of Corrections and
30 Rehabilitation.

31 SEC. 17. Section 2802 of the Penal Code is amended to read:

32 2802. Commencing July 1, 2005, there is hereby continued
33 in existence within the Department of Corrections and
34 Rehabilitation a Prison Industry Board. The board shall consist of
35 the following 11 members:

36 (a) The Secretary of the Department of Corrections and
37 Rehabilitation, or his or her designee.

38 (b) The Director of the Department of General Services, or his
39 or her designee.

1 (c) The Secretary of Business, Transportation and Housing, or
2 his or her designee.

3 (d) The Speaker of the Assembly shall appoint two members
4 to represent the general public.

5 (e) The Senate Committee on Rules shall appoint two
6 members to represent the general public.

7 (f) The Governor shall appoint four members. Of these, two
8 shall be representatives of organized labor, and two shall be
9 representatives of industry. The initial term of one of the
10 members appointed by the Speaker of the Assembly shall be two
11 years, and the initial term of the other shall be three years. The
12 initial term of one of the members appointed by the Senate
13 Committee on Rules shall be two years, and the initial term of the
14 other shall be three years. The initial terms of the four members
15 appointed by the Governor shall be four years. All subsequent
16 terms of all members shall be for four years. Each member's
17 term shall continue until the appointment and qualification of his
18 or her successor.

19 SEC. 18. Section 2803 of the Penal Code is amended to read:

20 2803. The Secretary of the Department Corrections and
21 Rehabilitation shall be the chairperson of the board. The
22 chairperson shall be the administrative head of the board and
23 shall exercise all duties and functions necessary to insure that the
24 responsibilities of the board are successfully discharged. The
25 board shall hold meetings on the call of the chairperson or a
26 majority of the board. Six members of the board, including the
27 chairperson, shall constitute a quorum. The vote of a majority of
28 the members serving on the board is necessary for the transaction
29 of the business of the board.

30 SEC. 19. Section 2804 of the Penal Code is amended to read:

31 2804. The appointed members of the board shall receive a per
32 diem to be determined by the chairperson, but not less than the
33 usual per diem rate allowed to the Department of Corrections and
34 Rehabilitation employees during travel out of state. All members,
35 including the chairperson, shall also receive their actual and
36 necessary expenses of travel incurred in attending meetings of
37 the commission and in making investigations, either as a board or
38 individually as members of the board at the request of the
39 chairperson. All the expenses shall be paid from the Prison
40 Industries Revolving Fund.

1 SEC. 20. Section 2806 of the Penal Code is amended to read:

2 2806. There is hereby constituted a permanent revolving fund
3 in the sum of not less than seven hundred thirty thousand dollars
4 (\$730,000), to be known as the Prison Industries Revolving
5 Fund, and to be used to meet the expenses necessary in the
6 purchasing of materials and equipment, salaries, construction and
7 cost of administration of the prison industries program. The fund
8 may also be used to refund deposits either erroneously made or
9 made in cases where delivery of products cannot be
10 consummated. The fund shall at all times contain the amount of
11 at least seven hundred thirty thousand dollars (\$730,000), either
12 in cash or in receivables, consisting of raw materials, finished or
13 unfinished products, inventory at cost, equipment, or any
14 combination of the above. Money received from the rendering of
15 services or the sale of products in the prisons and institutions
16 under the jurisdiction of the Department of Corrections and
17 Rehabilitation pursuant to this article shall be paid to the State
18 Treasurer monthly and shall be credited to the fund. At any time
19 that the Secretary of the Department of Corrections and
20 Rehabilitation and the Director of Finance jointly determine that
21 the balance in that revolving fund is greater than is necessary to
22 carry out the purposes of the authority, they shall so inform the
23 Controller and request a transfer of the unneeded balance from
24 the revolving fund to the General Fund of the State of California.
25 The Controller is authorized to transfer balances upon request.
26 Funds deposited in the revolving fund are not subject to annual
27 appropriation by the Legislature and may be used without a time
28 limit by the authority.

29 The Prison Industries Revolving Fund is not subject to the
30 provisions of Articles 2 (commencing with Section 13320) and 3
31 (commencing with Section 13335) of Chapter 3 of Part 3 of
32 Division 3 of Title 2 of the Government Code.

33 Any major capital outlay project undertaken by the authority
34 pursuant to this article shall be subject to review by the Public
35 Works Board pursuant to the provisions of Part 10.5
36 (commencing with Section 15752) of Division 3 of Title 2 of the
37 Government Code.

38 SEC. 21. Section 2807 of the Penal Code is amended to read:

39 2807. (a) The authority is hereby authorized and empowered
40 to operate industrial, agricultural, and service enterprises which

1 will provide products and services needed by the state, or any
2 political subdivision thereof, or by the federal government, or
3 any department, agency, or corporation thereof, or for any other
4 public use. Products may be purchased by state agencies to be
5 offered for sale to inmates of the department and to any other
6 person under the care of the state who resides in state-operated
7 institutional facilities. Fresh meat may be purchased by food
8 service operations in state-owned facilities and sold for onsite
9 consumption.

10 (b) All things authorized to be produced under subdivision (a)
11 shall be purchased by the state, or any agency thereof, and may
12 be purchased by any county, city, district, or political
13 subdivision, or any agency thereof, or by any state agency to
14 offer for sale to persons residing in state-operated institutions, at
15 the prices fixed by the Prison Industry Authority. State agencies
16 shall make maximum utilization of these products, and shall
17 consult with the staff of the authority to develop new products
18 and adapt existing products to meet their needs.

19 SEC. 21. Section 2808 of the Penal Code is amended to read:

20 2808. The board, in the exercise of its duties, shall have all
21 of the powers and do all of the things that the board of directors
22 of a private corporation would do, except as specifically limited
23 in this article, including, but not limited to, all of the following:

24 (a) To enter into contracts and leases, execute leases, pledge
25 the equipment, inventory and supplies under the control of the
26 authority and the anticipated future receipts of any enterprise
27 under the jurisdiction of the authority as collateral for loans, and
28 execute other necessary instruments and documents.

29 (b) To assure that all funds received by the authority are kept
30 in commercial accounts according to standard accounting
31 practices.

32 (c) To arrange for an independent annual audit.

33 (d) To review and approve the annual budget for the authority,
34 in order to assure that the solvency of the Prison Industries
35 Revolving Fund is maintained.

36 (e) To contract to employ a general manager to serve as the
37 chief administrative officer of the authority. The general manager
38 shall serve at the pleasure of the chairperson. The general
39 manager shall have wide and successful experience with a

1 productive enterprise, and have a demonstrated appreciation of
2 the problems associated with prison management.

3 (f) To apply for and administer grants and contracts of all
4 kinds.

5 (g) To establish, notwithstanding any other provision of law,
6 procedures governing the purchase of raw materials, component
7 parts, and any other goods and services which may be needed by
8 the authority or in the operation of any enterprise under its
9 jurisdiction. Those procedures shall contain provisions for appeal
10 to the board from any action taken in connection with them.

11 (h) To establish, expand, diminish, or discontinue industrial,
12 agricultural and service enterprises under the authority's
13 jurisdiction to enable it to operate as a self-supporting enterprise,
14 to provide as much employment for inmates as is feasible, and to
15 provide diversified work activities to minimize the impact on
16 existing private industry in the state.

17 (i) To hold public hearings pursuant to subdivision (h) to
18 provide an opportunity for persons or organizations who may be
19 affected to appear and present testimony concerning the plans
20 and activities of the authority. The authority shall assure
21 adequate public notice of those hearings. No new industrial,
22 agricultural, or service enterprise which involves a gross annual
23 production of more than fifty thousand dollars (\$50,000) shall be
24 established unless and until a hearing concerning the enterprise
25 has been held by a committee of persons designated by the board
26 including at least two board members. The board shall take into
27 consideration the effect of a proposed enterprise on California
28 industry and shall not approve the establishment of the enterprise
29 if the board determines it would have a comprehensive and
30 substantial adverse impact on California industry which cannot
31 be mitigated.

32 (j) To periodically determine the prices at which activities,
33 supplies, and services shall be sold.

34 (k) To report to the Legislature in writing, on or before
35 February 1 of each year, regarding:

36 (1) The financial activity and condition of each enterprise
37 under its jurisdiction.

38 (2) The plans of the board regarding any significant changes in
39 existing operations.

1 (3) The plans of the board regarding the development of new
2 enterprises.

3 (4) A breakdown, by institution, of the number of prisoners at
4 each institution, working in enterprises under the jurisdiction of
5 the authority, said number to indicate the number of prisoners
6 which are not working full time.

7 SEC. 23. Section 2809 of the Penal Code is amended to read:

8 2809. Notwithstanding any other provision of law,
9 commencing July 1, 2005, the authority may recruit and employ
10 civilian staff that may be necessary to carry out the purposes of
11 this article, and shall establish recruiting, testing, hiring,
12 promotion, disciplinary, and dismissal procedures and practices
13 which will meet the unique personnel needs of the authority. The
14 practices may include incentives based on productivity,
15 profit-sharing plans, or other criteria which will encourage
16 civilian employee involvement in the productivity goals of the
17 authority. The procedures and practices shall apply to all
18 employees working in enterprises under the jurisdiction of the
19 authority. The general manager shall be the appointing authority
20 for all personnel of the authority other than the general manager.

21 SEC. 24. Section 2810 of the Penal Code is amended to read:

22 2810. Commencing July 1, 2005, the general manager, with
23 the approval of the Department of Finance, may authorize the
24 borrowing of money by the authority for purposes of any of the
25 following:

- 26 (a) Operating the business affairs of the authority.
27 (b) Purchasing new equipment, materials and supplies.
28 (c) Constructing new facilities, or repairing, remodeling, or
29 demolishing old facilities.

30 Funds may be borrowed from private sources, upon those
31 terms that the Department of Finance deems appropriate,
32 including but not limited to, the use of equipment under the
33 jurisdiction of the authority, and of the future income of an
34 enterprise under the jurisdiction of the authority, as collateral to
35 secure any loan.

36 SEC. 25. Section 2810.5 of the Penal Code is amended to
37 read:

38 2810.5. Notwithstanding any other provision of law,
39 commencing July 1, 2005, the Pooled Money Investment Board,
40 or its successor, may grant loans to the authority when money is

1 appropriated for that purpose by the Legislature, upon application
2 by the Secretary of the Department of Corrections and
3 Rehabilitation, in order to finance the establishment of a new
4 industrial, agricultural, or service enterprise. All loans shall bear
5 the same interest rate as the pooled money market investment
6 rate and shall have a maximum repayment period of 20 years
7 from the date of approval of the loan.

8 Prior to making its decision to grant a loan, the Pooled Money
9 Investment Board, or its successor, shall require the authority to
10 demonstrate all of the following:

11 (a) The proposed industry project cannot be feasibly financed
12 from private sources under Section 2810. The authority shall
13 present proposed loan conditions from at least two private
14 sources.

15 (b) The proposed industry project cannot feasibly be financed
16 from proceeds from other Prison Industry Authority enterprises.

17 (c) The proceeds from the proposed project provide for a
18 reasonable payback schedule to the General Fund.

19 SEC. 26. Section 2811 of the Penal Code is amended to read:

20 2811. Commencing July 1, 2005, the general manager shall
21 adopt and maintain a compensation schedule for inmate
22 employees. That compensation schedule shall be based on
23 quantity and quality of work performed and shall be required for
24 its performance, but in no event shall that compensation exceed
25 one-half the minimum wage provided in Section 1182 of the
26 Labor Code, except as otherwise provided in this code. This
27 compensation shall be credited to the account of the inmate.

28 Inmate compensation shall be paid from the Prison Industries
29 Revolving Fund.

30 SEC. 27. Section 2815 of the Penal Code is amended to read:

31 2815. Commencing July 1, 2005, the authority may, under
32 rules prescribed by the Secretary of the Department of
33 Corrections and Rehabilitation, dispose of products developed
34 from the operations of industrial enterprises in prisons and
35 institutions under the jurisdiction of the authority by sale to
36 foreign governments, corporations for distribution in foreign
37 countries, and private persons or their agents in markets outside
38 the United States and in countries which permit the importation
39 of prison-made goods. All sales made pursuant to this section

1 shall be reported to the Legislature in the general manager's
2 annual report pursuant to Section 2808.

3 SEC. 28. Section 2816 of the Penal Code is amended to read:

4 2816. With the approval of the Department of Finance, there
5 shall be transferred to, or deposited in, the Prison Industries
6 Revolving Fund for purposes authorized by this section, money
7 appropriated from any source including sources other than state
8 appropriations.

9 Notwithstanding subdivision (b) of Section 2808, the general
10 manager may order any authorized public works project
11 involving construction, renovation, or repair of prison facilities to
12 be performed by inmate labor when the total expenditure does
13 not exceed the project limit established by Section 10108 of the
14 Public Contract Code. Projects entailing expenditure of greater
15 than the project limit established by Section 10108 of the Public
16 Contract Code shall be reviewed and approved by the Secretary
17 of the Department of Corrections and Rehabilitation.

18 Money so transferred or deposited shall be available for
19 expenditure by the department for the purposes for which
20 appropriated, contributed or made available, without regard to
21 fiscal years and irrespective of the provisions of Sections 13340
22 and 16304 of the Government Code. Money transferred or
23 deposited pursuant to this section shall be used only for purposes
24 authorized in this section.

25 SEC. 29. Section 3041 of the Penal Code is amended to read:

26 3041. (a) In the case of any inmate sentenced pursuant to any
27 provision of law, other than Chapter 4.5 (commencing with
28 Section 1170) of Title 7 of Part 2, the Board of Parole Hearings
29 shall meet with each inmate during the third year of incarceration
30 for the purposes of reviewing the inmate's file, making
31 recommendations, and documenting activities and conduct
32 pertinent to granting or withholding postconviction credit. One
33 year prior to the inmate's minimum eligible parole release date a
34 panel of two or more commissioners or deputy commissioners
35 shall again meet with the inmate and shall normally set a parole
36 release date as provided in Section 3041.5. No more than one
37 member of the panel shall be a deputy commissioner. In the
38 event of a tie vote, the matter shall be referred for an en banc
39 hearing by the board. The release date shall be set in a manner
40 that will provide uniform terms for offenses of similar gravity

1 and magnitude in respect to their threat to the public, and that
 2 will comply with the sentencing rules that the Judicial Council
 3 may issue and any sentencing information relevant to the setting
 4 of parole release dates. The board shall establish criteria for the
 5 setting of parole release dates and in doing so shall consider the
 6 number of victims of the crime for which the inmate was
 7 sentenced and other factors in mitigation or aggravation of the
 8 crime. At least one commissioner of the panel shall have been
 9 present at the last preceding meeting, unless it is not feasible to
 10 do so or where the last preceding meeting was the initial meeting.
 11 Any person on the hearing panel may request review of any
 12 decision regarding parole for an en banc hearing by the board. In
 13 case of a review, a majority vote in favor of parole by the board
 14 members participating in an en banc hearing is required to grant
 15 parole to any inmate.

16 (b) The panel or the board, sitting en banc, shall set a release
 17 date unless it determines that the gravity of the current convicted
 18 offense or offenses, or the timing and gravity of current or past
 19 convicted offense or offenses, is such that consideration of the
 20 public safety requires a more lengthy period of incarceration for
 21 this individual, and that a parole date, therefore, cannot be fixed
 22 at this meeting. After the effective date of this subdivision, any
 23 decision of the parole panel finding an inmate suitable for parole
 24 shall become final within 120 days of the date of the hearing.
 25 During that period, the board may review the panel's decision.
 26 The panel's decision shall become final pursuant to this
 27 subdivision unless the board finds that the panel made an error of
 28 law, or that the panel's decision was based on an error of fact, or
 29 that new information should be presented to the board, any of
 30 which when corrected or considered by the board has a
 31 substantial likelihood of resulting in a substantially different
 32 decision upon a rehearing. In making this determination, the
 33 board shall consult with the commissioners who conducted the
 34 parole consideration hearing. No decision of the parole panel
 35 shall be disapproved and referred for rehearing except by a
 36 majority vote of the board, sitting en banc, following a public
 37 hearing.

38 (c) For the purpose of reviewing the suitability for parole of
 39 those inmates eligible for parole under prior law at a date earlier
 40 than that calculated under Section 1170.2, the board shall appoint

1 panels of at least two persons to meet annually with each inmate
2 until the time the person is released pursuant to proceedings or
3 reaches the expiration of his or her term as calculated under
4 Section 1170.2.

5 (d) It is the intent of the Legislature that during times when
6 there is no backlog of inmates awaiting parole hearings, life
7 parole consideration hearings or life rescission hearings, hearings
8 will be conducted by a panel of three or more members, the
9 majority of whom shall be commissioners. The board shall report
10 monthly on the number of cases where an inmate has not
11 received a completed initial or subsequent parole consideration
12 hearing within 30 days of the hearing date required by
13 subdivision (a) of Section 3041.5 or paragraph (2) of subdivision
14 (b) of Section 3041.5, unless the inmate has waived the right to
15 those timeframes. That report shall be considered the backlog of
16 cases for purposes of this section, and shall include information
17 on the progress toward eliminating the backlog, and on the
18 number of inmates who have waived their right to the above
19 timeframes. The report shall be made public at a regularly
20 scheduled meeting of the board and a written report shall be
21 made available to the public and transmitted to the Legislature
22 quarterly.

23 (e) For purposes of this section, an en banc hearing by the
24 board means a hearing conducted by a committee of nine
25 randomly selected commissioners who are specifically appointed
26 to hear adult parole matters, selected by the chairperson. The
27 committee shall be comprised of a majority of commissioners
28 holding office on the date the matter is heard by the committee.

29 SEC. 30. Section 3041.1 of the Penal Code is amended to
30 read:

31 3041.1. Up to 90 days prior to a scheduled release date, the
32 Governor may request review of any decision by a parole
33 authority concerning the grant or denial of parole to any inmate
34 in a state prison. The Governor shall state the reason or reasons
35 for the request, and whether the request is based on a public
36 safety concern, a concern that the gravity of current or past
37 convicted offenses may have been given inadequate
38 consideration, or on other factors. When a request has been
39 made, a randomly selected committee comprised of nine
40 commissioners specifically appointed to hear adult parole matters

and who are holding office at the time, shall review the parole decision. In case of a review, a vote in favor of parole by a majority of the commissioners on the committee shall be required to grant parole to any inmate. In carrying out any review, the board shall comply with the provisions of this chapter.

SEC. 31. The heading of Chapter 1 (commencing with Section 5000) of Title 7 of Part 3 of the Penal Code is amended to read:

CHAPTER 1. THE DEPARTMENT OF CORRECTIONS AND
REHABILITATION

SEC. 32. Section 5000 of the Penal Code is amended to read: 5000. Commencing July 1, 2005, any reference to the Department of Corrections in this or any other code refers to the Department of Corrections and Rehabilitation, Division of Adult Operations.

Nothing in the act enacted by Senate Bill 737 of the 2005-06 Regular Session shall be construed to alter the primary objective of adult incarceration under the reorganized Department of Corrections and Rehabilitation, which remains public safety as articulated in the legislative findings and declarations set forth in Section 1170.

SEC. 33. Section 5001 of the Penal Code is amended to read: 5001. (a) The Governor may request the State Personnel Board to use extensive recruitment and merit selection techniques and procedures to provide lists of persons qualified for appointment pursuant to Article 14 (commencing with Section 12838) of Chapter 1 of Part 2.5 of Division 3 of the Government Code. The Governor may appoint any person from the lists of qualified persons or may reject all names and appoint other persons who meet the requirements of the positions.

SEC. 34. Section 5003.5 of the Penal Code is amended to read:

5003.5. The Board of Parole Hearings is empowered to advise and recommend to the Secretary of the Department of Corrections and Rehabilitation on general and specific policies and procedures relating to the duties and functions of the secretary. The secretary is empowered to advise and recommend to the board on matters of general and specific policies and

1 procedures, relating to the duties and functions of the board. The
2 secretary and the board shall meet for purposes of exchange of
3 information and advice.

4 SEC. 35. The heading of Chapter 2 (commencing with
5 Section 5050) of Title 7 of Part 3 of the Penal Code is amended
6 to read:

7
8 CHAPTER 2. THE SECRETARY OF THE DEPARTMENT OF
9 CORRECTIONS AND REHABILITATION
10

11 SEC. 36. Section 5050 of the Penal Code is amended to read:

12 5050. Commencing July 1, 2005, any reference to the
13 Director of Corrections in this or any other code refers to the
14 Secretary of the Department of Corrections and Rehabilitation.
15 As of that date, the office of the Director of Corrections is
16 abolished.

17 SEC. 37. Section 5051 of the Penal Code is repealed.

18 SEC. 38. Section 5051.5 of the Penal Code is repealed.

19 SEC. 39. Section 5052 of the Penal Code is amended to read:

20 5052. Any officer or employee of the Department of
21 Corrections and Rehabilitation designated in writing by the
22 secretary, shall have the power of a head of a department
23 pursuant to Article 2 (commencing at Section 11180) of Chapter
24 2, Part 1, Division 3, Title 2, of the Government Code.

25 SEC. 40. Section 5053 of the Penal Code is repealed.

26 SEC. 41. Section 5054 of the Penal Code is amended to read:

27 5054. Commencing July 1, 2005, the supervision,
28 management and control of the state prisons, and the
29 responsibility for the care, custody, treatment, training, discipline
30 and employment of persons confined therein are vested in the
31 Secretary of the Department of Corrections and Rehabilitation.

32 SEC. 42. Section 5055 of the Penal Code is amended to read:

33 5055. Commencing July 1, 2005, all powers and duties
34 previously granted to and imposed upon the Department of
35 Corrections shall be exercised by the Secretary of the Department
36 of Corrections and Rehabilitation, except where those powers
37 and duties are expressly vested by law in the Board of Parole
38 Hearings.

39 Whenever a power is granted to the secretary or a duty is
40 imposed upon the secretary, the power may be exercised or the

1 duty performed by a subordinate officer to the secretary or by a
2 person authorized pursuant to law by the secretary.

3 SEC. 43. Section 5057 of the Penal Code is amended to read:

4 5057. (a) Subject to the powers of the Department of Finance
5 under Section 13300 of the Government Code, the secretary shall
6 establish an accounting and auditing system for all of the
7 agencies and institutions including the prisons which comprise
8 the department in whatever form that will best facilitate their
9 operation, and may modify the system from time to time.

10 (b) The accounting and auditing system shall include those
11 accounts and records that are necessary to properly account for
12 all money and property of the inmates.

13 (c) Except where other disposition is provided by law, all
14 money belonging to the state received by the department, shall be
15 reported to the Controller and deposited in the State Treasury
16 monthly.

17 SEC. 44. Section 5067 of the Penal Code is repealed.

18 SEC. 45. The heading of Chapter 3 (commencing with
19 Section 5075) of Title 7 of Part 3 of the Penal Code is amended
20 to read:

21
22 CHAPTER 3. THE BOARD OF PAROLE HEARINGS
23

24 SEC. 46. Section 5075 of the Penal Code is amended to read:

25 5075. (a) Commencing July 1, 2005, there is hereby created
26 the Board of Parole Hearings. As of July 1, 2005, any reference
27 to the Board of Prison Terms in this or any other code refers to
28 the Board of Parole Hearings. As of that date, the Board of
29 Prison Terms is abolished.

30 (b) The Governor shall appoint 17 commissioners, subject to
31 Senate confirmation, pursuant to this section. Of those 17
32 commissioners, 12 shall be appointed and trained to hear only
33 adult matters, and five shall be appointed and trained to hear only
34 juvenile matters. The terms of the commissioners shall expire as
35 follows: eight on July 1, 2007, and nine on July 1, 2008.
36 Successor commissioners shall hold office for terms of three
37 years, each term to commence on the expiration date of the
38 predecessor. Any appointment to a vacancy that occurs for any
39 reason other than expiration of the term shall be for the
40 remainder of the unexpired term. Commissioners are eligible for

1 reappointment. The selection of persons and their appointment by
2 the Governor and confirmation by the Senate shall reflect as
3 nearly as possible a cross section of the racial, sexual, economic,
4 and geographic features of the population of the state.

5 (c) The chair of the board shall be designated by the Governor
6 periodically. The Governor may appoint an executive officer of
7 the board, subject to Senate confirmation, who shall hold office
8 at the pleasure of the Governor. The executive officer shall be the
9 administrative head of the board and shall exercise all duties and
10 functions necessary to insure that the responsibilities of the board
11 are successfully discharged. The secretary shall be the appointing
12 authority for all civil service positions of employment with the
13 board.

14 (d) Each commissioner shall participate in hearings on each
15 workday, except when it is necessary for a commissioner to
16 attend training, en banc hearings or full board meetings, or other
17 administrative business requiring the participation of the
18 commissioner. For purposes of this subdivision, these hearings
19 shall include parole consideration hearings, parole rescission
20 hearings, and parole progress hearings.

21 SEC. 47. Section 5075.1 is added to the Penal Code, to read:

22 5075.1. The Board of Parole Hearings shall do all of the
23 following:

24 (a) Conduct parole consideration hearings, parole rescission
25 hearings, and parole progress hearings for adults and juveniles
26 under the jurisdiction of the department.

27 (b) Conduct mentally disordered offender hearings.

28 (c) Conduct sexually violent predator hearings.

29 (d) Review ~~prisoners~~^{inmates} requests for reconsideration of
30 denial of good-time credit and setting of parole length or
31 conditions, pursuant to Section 5077.

32 (e) Determine revocation of parole for adult offenders under
33 the jurisdiction of the Division of Adult Parole Operations,
34 pursuant to Section 5077.

35 (f) Carry out the functions described in Section 1719 of the
36 Welfare and Institutions Code, and make every order granting
37 and revoking parole and issuing final discharges to any person
38 under the jurisdiction of the Department of Corrections and
39 Rehabilitation.

1 (g) Conduct studies pursuant to Section 3150 of the Welfare
2 and Institutions Code.

3 (h) Investigate and report on all applications for reprieves,
4 pardons, and commutation of sentence, as provided in Title 6
5 (commencing with Section 4800) of Part 3.

6 (i) Exercise other powers and duties as prescribed by law.

7 (j) Effective January 1, 2007, all commissioners appointed and
8 trained to hear juvenile parole matters, together with their duties
9 prescribed by law as functions of the Board of Parole Hearings
10 concerning wards under the jurisdiction of the Department of
11 Corrections and Rehabilitation, are transferred to the Chief
12 Deputy Secretary for Juvenile Justice. All applicable regulations
13 in effect at the time of transfer shall be deemed to apply to those
14 commissioners until new regulations are adopted.

15 SEC. 48. Section 5075.6 is added to the Penal Code, to read:

16 5075.6. (a) (1) Commissioners and deputy commissioners
17 hearing matters pursuant to subdivision (f) of Section 5075.1, or
18 any other matter involving wards under the jurisdiction of the
19 Division of Juvenile Facilities, shall have a broad background in,
20 and ability for, appraisal of youthful law offenders and
21 delinquents, the circumstances of delinquency for which those
22 persons are committed, and the evaluation of an individual's
23 progress toward reformation. Insofar as practicable,
24 commissioners and deputy commissioners selected to hear these
25 matters also shall have a varied and sympathetic interest in youth
26 correction work and shall have experience or education in the
27 fields of corrections, sociology, law, law enforcement, mental
28 health, medicine, drug treatment, or education.

29 (2) Within 60 days of appointment and annually thereafter,
30 commissioners and deputy commissioners described in
31 subdivision (a) shall undergo a minimum of 40 hours of training
32 in the following areas:

33 (A) Treatment and training programs provided to wards at
34 Department of Corrections and Rehabilitation institutions,
35 including, but not limited to, educational, vocational, mental
36 health, medical, substance abuse, psychotherapeutic counseling,
37 and sex offender treatment programs.

38 (B) Current national research on effective interventions with
39 juvenile offenders and how they compare to department program
40 and treatment services.

1 (C) Parole Services.

2 (D) Commissioner duties and responsibilities.

3 (E) Knowledge of laws and regulations applicable to
4 conducting parole hearings, including the rights of victims,
5 witnesses, and wards.

6 (F) Factors influencing ward lengths of stay and ward
7 recidivism rates and their relationship to one another.

8 (b) (1) Commissioners and deputy commissioners hearing
9 matters concerning adults under the jurisdiction of the
10 Department of Corrections and Rehabilitation shall have a broad
11 background in criminal justice and an ability for appraisal of
12 adult offenders, the crimes for which those persons are
13 committed, and the evaluation of an individual's progress toward
14 reformation. Insofar as practicable, commissioners and deputy
15 commissioners shall have a varied interest in adult correction
16 work, public safety, and shall have experience or education in the
17 fields of corrections, sociology, law, law enforcement, medicine,
18 mental health, or education.

19 (2) All commissioners and deputy commissioners who
20 conduct hearings for the purpose of considering the parole
21 suitability of inmates, the setting of a parole release date for
22 inmates, or the revocation of parole for adult parolees, shall,
23 within 60 days of appointment and annually thereafter undergo a
24 minimum of 40 hours of training in the following areas:

25 (A) Treatment and training programs provided to inmates at
26 Department of Corrections and Rehabilitation institutions,
27 including, but not limited to, educational, vocational, mental
28 health, medical, substance abuse, psychotherapeutic counseling,
29 and sex offender treatment programs.

30 (B) Parole services.

31 (C) Commissioner duties and responsibilities.

32 (D) Knowledge of laws and regulations applicable to
33 conducting parole hearings, including the rights of victims,
34 witnesses, and inmates.

35 SEC. 49. Section 5076.1 of the Penal Code is amended to
36 read:

37 5076.1. (a) The board shall meet at each of the state prisons
38 and facilities under the jurisdiction of the Division of Juvenile
39 Facilities. Meetings shall be held at whatever times may be
40 necessary for a full and complete study of the cases of all inmates

1 and wards whose matters are considered. Other times and places
2 of meeting may also be designated by the board. Each
3 commissioner of the board shall receive his actual necessary
4 traveling expenses incurred in the performance of his or her
5 official duties. Where the board performs its functions by
6 meeting en banc in either public or executive sessions to decide
7 matters of general policy, at least nine members shall be present,
8 and no action shall be valid unless it is concurred in by a majority
9 vote of those present.

10 (b) The board may use deputy commissioners to whom it may
11 assign appropriate duties, including hearing cases and making
12 decisions. Those decisions shall be made in accordance with
13 policies approved by a majority of the total membership of the
14 board.

15 (c) The board may meet and transact business in panels. Each
16 panel shall consist of two or more persons, subject to subdivision
17 (d) of Section 3041. No action shall be valid unless concurred in
18 by a majority vote of the persons present. In the event of a tie
19 vote, the matter shall be referred to a randomly selected
20 committee, comprised of a majority of the commissioners
21 specifically appointed to hear ~~juvenile~~ adult parole matters and
22 who are holding office at the time.

23 (d) When determining whether commissioners or deputy
24 commissioners shall hear matters pursuant to subdivision (f) of
25 Section 5075.1, or any other matter submitted to the board
26 involving wards under the jurisdiction of the Division of Juvenile
27 Facilities, the chair shall take into account the degree of
28 complexity of the issues presented by the case. Any decision
29 resulting in the extension of a parole consideration date shall
30 entitle a ward to appeal the decision to a panel comprised of two
31 or more commissioners, of which no more than one may be a
32 deputy commissioner. The panel shall consider and act upon the
33 appeal in accordance with rules established by the board.

34 (e) Consideration of parole release for persons sentenced to
35 life imprisonment pursuant to subdivision (b) of Section 1168
36 shall be heard by a panel of two or more commissioners or
37 deputy commissioners, of which only one may be a deputy
38 commissioner. A recommendation for recall of a sentence under
39 subdivisions (d) and (e) of Section 1170 shall be made by a

1 panel, a majority of whose commissioners are commissioners of
2 the Board of Parole Hearings.

3 SEC. 50. Section 5082 of the Penal Code is repealed.

4 SEC. 51. The heading of Chapter 4 (commencing with
5 Section 6001) of Title 7 of Part 3 of the Penal Code is amended
6 to read:

7
8 CHAPTER 4. DIVISION OF JUVENILE FACILITIES
9

10 SEC. 52. Section 6001 of the Penal Code is amended to read:

11 6001. Commencing July 1, 2005, the establishment,
12 organization, jurisdiction, powers, duties, responsibilities, and
13 functions of the Youth Authority as provided in the Youth
14 Authority Act (Chapter 1 (commencing with Section 1700) of
15 Division 2.5 of the Welfare and Institutions Code), as it existed
16 on June 30, 2005, are continued in the Department of Corrections
17 and Rehabilitation, Division of Juvenile Facilities.

18 SEC. 53. Section 6003 of the Penal Code is repealed.

19 SEC. 54. Section 6004 of the Penal Code is repealed.

20 SEC. 55. The heading of Chapter 5 (commencing with
21 Section 6024) of Title 7 of Part 3 of the Penal Code is amended
22 to read:

23
24 CHAPTER 5. THE CORRECTIONS STANDARDS AUTHORITY
25

26 SEC. 56. Section 6024 of the Penal Code is amended to read:

27 6024. Commencing July 1, 2005, there is hereby established
28 with the Department of Corrections and Rehabilitation the
29 Corrections Standards Authority. As of July 1, 2005, any
30 reference to the Board of Corrections refers to the Corrections
31 Standards Authority. As of that date, the Board of Corrections is
32 abolished.

33 SEC. 57. Section 6025 of the Penal Code is amended to read:

34 6025. (a) Commencing July 1, 2005, the Corrections
35 Standards Authority shall be composed of 19 members, one of
36 whom shall be the Secretary of the Department of Corrections
37 and Rehabilitation, or his or her designee, who shall be
38 designated as the chairperson, and four of whom shall be
39 subordinate officers of the secretary. At least one subordinate
40 officer shall be a manager or administrator of a state correctional

1 facility for adult offenders, and at least one subordinate officer
2 shall be a manager or administrator of a state correctional facility
3 for juvenile offenders. The remaining 14 members shall be
4 appointed by the Governor after consultation with, and with the
5 advice of, the secretary, and with the advice and consent of the
6 Senate. The gubernatorial appointments shall include all of the
7 following:

8 (1) A county sheriff in charge of a local detention facility
9 which has a Corrections Standards Authority rated capacity of
10 200 or less inmates.

11 (2) A county sheriff in charge of a local detention facility
12 which has a Corrections Standards Authority rated capacity of
13 over 200 inmates.

14 (3) A county supervisor or county administrative officer.

15 (4) A chief probation officer from a county with a population
16 over 200,000.

17 (5) A chief probation officer from a county with a population
18 under 200,000.

19 (6) A manager or administrator of a county local detention
20 facility.

21 (7) An administrator of a local community-based correctional
22 program.

23 (8) Two public members, at least one of whom shall represent
24 the interests of crime victims.

25 ~~(9) Two rank and file representatives. One shall be from local~~
26 ~~corrections facilities, as described in Section 6035 or a probation~~
27 ~~department, and one shall be from state correctional facilities or~~
28 ~~the parole division. One of the two representatives shall have a~~
29 ~~minimum of five years experience working in a state or local~~
30 ~~adult correctional facility.~~

31 ~~(10) Two rank and file representatives from one or more state~~
32 ~~correctional facilities. One representative shall be a state parole~~
33 ~~agent or parole officer. One of the two representatives shall have~~

34 *(9) Four rank and file representatives: one juvenile probation*
35 *officer who is a first line supervisor or lower rank, with a*
36 *minimum of five years of experience as a juvenile probation*
37 *officer; one deputy sheriff who is a sergeant or lower rank, with*
38 *a minimum of five years of experience in an adult correctional*
39 *facility; one state parole officer or parole agent; and one person*

1 *with* a minimum of five years experience working in a state adult
2 correctional facility.

3 ~~(H)~~

4 (10) A representative of a community-based youth service
5 organization.

6 (b) The terms of the members appointed by the Governor shall
7 expire as follows: seven on July 1, 2007, and seven on July 1,
8 2008. Successor members shall hold office for terms of three
9 years, each term to commence on the expiration date of the
10 predecessor. Any appointment to a vacancy that occurs for any
11 reason other than expiration of the term shall be for the
12 remainder of the unexpired term. Members are eligible for
13 reappointment.

14 (c) The authority shall select a vice chairperson from among
15 its members. Ten members of the board shall constitute a
16 quorum.

17 (d) When the authority is hearing charges against any member,
18 the individual concerned shall not sit as a member of the board
19 for the period of hearing of charges and the determination of
20 recommendations to the Governor.

21 (e) If any appointed member is not in attendance for three
22 consecutive meetings the authority may recommend to the
23 Governor that the member be removed and the Governor may
24 make a new appointment, with the advice and consent of the
25 Senate, for the remainder of the term.

26 SEC. 58. Section 6026 of the Penal Code is amended to read:

27 6026. The Corrections Standards Authority shall be the
28 means whereby the Department of Corrections and Rehabilitation
29 may correlate its individual programs for adults and youths under
30 its jurisdiction.

31 SEC. 59. Section 6030 of the Penal Code is amended to read:

32 6030. (a) The Corrections Standards Authority shall establish
33 minimum standards for state and local correctional facilities. The
34 standards for state correctional facilities shall be established by
35 January 1, 2007. The authority shall review those standards
36 biennially and make any appropriate revisions.

37 (b) The standards shall include, but not be limited to, the
38 following: health and sanitary conditions, fire and life safety,
39 security, rehabilitation programs, recreation, treatment of persons

1 confined in state and local correctional facilities, and personnel
2 training.

3 (c) The standards shall require that at least one person on duty
4 at the facility is knowledgeable in the area of fire and life safety
5 procedures.

6 (d) The standards shall also include requirements relating to
7 the acquisition, storage, labeling, packaging, and dispensing of
8 drugs.

9 (e) In establishing minimum standards, the authority shall seek
10 the advice of the following:

11 (1) For health and sanitary conditions:

12 The State Department of Health Services, physicians,
13 psychiatrists, local public health officials, and other interested
14 persons.

15 (2) For fire and life safety:

16 The State Fire Marshal, local fire officials, and other interested
17 persons.

18 (3) For security, rehabilitation programs, recreation, and
19 treatment of persons confined in correctional facilities:

20 The Department of Corrections and Rehabilitation, state and
21 local juvenile justice commissions, state and local correctional
22 officials, experts in criminology and penology, and other
23 interested persons.

24 (4) For personnel training:

25 The Commission on Peace Officer Standards and Training,
26 psychiatrists, experts in criminology and penology, the
27 Department of Corrections and Rehabilitation, state and local
28 correctional officials, and other interested persons.

29 SEC. 60. Section 6050 of the Penal Code is amended to read:

30 6050. (a) The Governor, upon recommendation of the
31 secretary, shall appoint the chief operating officers of the various
32 state prisons. Each chief operating officer shall be subject to
33 removal by the secretary. If the secretary removes him or her, the
34 secretary's action shall be final. The chief operating officers shall
35 be exempt from civil service.

36 (b) The Department of Personnel Administration shall fix the
37 compensation of the ~~wardens and superintendents~~ *chief operating*
38 *officers* of the state prisons.

39 SEC. 61. Section 6126 of the Penal Code is amended to read:

1 6126. (a) (1) The Inspector General shall review
2 departmental policy and procedures, conduct audits of
3 investigatory practices and other audits, and conduct
4 investigations of the Department of Corrections and
5 Rehabilitation, as requested by either the Secretary of the
6 Department of Corrections and Rehabilitation or a Member of the
7 Legislature, pursuant to the approval of the Inspector General
8 under policies to be developed by the Inspector General. The
9 Inspector General may, under policies developed by the Inspector
10 General, initiate an investigation or an audit on his or her own
11 accord.

12 (2) The Inspector General shall audit each chief operating
13 officer of an institution one year after his or her appointment, and
14 shall audit each correctional institution at least once every four
15 years. These audit reports shall be provided to the Legislature
16 and shall be made public. The requirements of this paragraph
17 shall be phased in by the Inspector General so that they are fully
18 met by July 1, 2009.

19 (b) Upon completion of an investigation or audit, the Inspector
20 General shall provide a response to the requester.

21 (c) The Inspector General shall, during the course of an
22 investigatory audit, identify areas of full and partial compliance,
23 or noncompliance, with departmental investigatory policies and
24 procedures, specify deficiencies in the completion and
25 documentation of investigatory processes, and recommend
26 corrective actions, including, but not limited to, additional
27 training with respect to investigative policies, additional policies,
28 or changes in policy, as well as any other findings or
29 recommendations that the Inspector General deems appropriate.

30 (d) The Inspector General, pursuant to Section 6126.6, shall
31 review the Governor's candidates for appointment to serve as
32 chief operating officer for the state's adult correctional
33 institutions.

34 (e) The Inspector General shall, in consultation with the
35 Department of Finance, develop a methodology for producing a
36 workload budget to be used for annually adjusting the budget of
37 the office of the Inspector General, beginning with the budget for
38 the 2005-06 fiscal year.

39 SEC. 62. Section 6126.3 of the Penal Code is amended to
40 read:

1 6126.3. (a) The Inspector General shall not destroy any
2 papers or memoranda used to support a completed audit within
3 three years after a report is released.

4 (b) Except as provided in subdivision (c), all books, papers,
5 records, and correspondence of the office pertaining to its work
6 are public records subject to Chapter 3.5 (commencing with
7 Section 6250) of Division 7 of Title 1 of the Government Code
8 and shall be filed at any of the regularly maintained offices of the
9 Inspector General.

10 (c) The following books, papers, records, and correspondence
11 of the office of the Inspector General pertaining to its work are
12 not public records subject to Chapter 3.5 (commencing with
13 Section 6250) of Division 7 of Title 1 of the Government Code,
14 nor shall they be subject to discovery pursuant to any provision
15 of Title 3 (commencing with Section 1985) of Part 4 of the Code
16 of Civil Procedure in any manner:

17 (1) All reports, papers, correspondence, memoranda,
18 electronic communications, or other documents that are
19 otherwise exempt from disclosure pursuant to the provisions of
20 subdivision (d) of Section 6126.5, Section 6126.6, subdivision
21 (c) of Section 6128, subdivision (a) or (b) of Section 6131, or all
22 other applicable laws regarding confidentiality, including, but not
23 limited to, the California Public Records Act, the Public Safety
24 Officers' Procedural Bill of Rights, the Information Practices Act
25 of 1977, the Confidentiality of Medical Information Act of 1977,
26 and the provisions of Section 832.7, relating to the disposition
27 notification for complaints against peace officers.

28 (2) Any papers, correspondence, memoranda, electronic
29 communications, or other documents pertaining to any audit or
30 investigation that has not been completed.

31 (3) Any papers, correspondence, memoranda, electronic
32 communications, or other documents pertaining to internal
33 discussions between the Inspector General and his or her staff, or
34 between staff members of the Inspector General, or any personal
35 notes of the Inspector General or his or her staff.

36 (4) All identifying information, and any personal papers or
37 correspondence from any person requesting assistance from the
38 Inspector General, except in those cases where the Inspector
39 General determines that disclosure of the information is
40 necessary in the interests of justice.

1 SEC. 63. Section 6126.6 is added to the Penal Code, to read:

2 6126.6. (a) Prior to filling a vacancy for chief operating
3 officer by appointment pursuant to Section 6050, the Governor
4 shall first submit to the Inspector General the names of
5 candidates for the position of chief operating officer for review
6 of their qualifications.

7 (b) Upon receipt of the names of those candidates and their
8 completed personal data questionnaires, the Inspector General
9 shall employ appropriate confidential procedures to evaluate and
10 determine the qualifications of each candidate with regard to his
11 or her ability to discharge the duties of the office to which the
12 appointment or nomination is made.

13 Within 90 days of submission by the Governor of those names,
14 the Inspector General shall advise in confidence to the Governor
15 his or her recommendation whether the candidate is
16 exceptionally well-qualified, well-qualified, qualified, or not
17 qualified and the reasons therefore, and may report, in
18 confidence, any other information that the Inspector General
19 deems pertinent to the qualifications of the candidate.

20 (c) In reviewing the qualifications of a candidate for the
21 position of chief operating officer, the Inspector General shall
22 consider, among other appropriate factors, his or her experience
23 in effectively managing correctional facilities and inmate
24 populations; ability to deal effectively with employees, detained
25 persons and other interested persons in addressing management,
26 confinement, and safety issues in an effective, fair, and
27 professional manner; and knowledge of correctional best
28 practices.

29 (d) The Inspector General shall establish and adopt rules and
30 procedures regarding the review of the qualifications of
31 candidates for the position of chief operating officer. Those rules
32 and procedures shall establish appropriate, confidential methods
33 for disclosing to the candidate the subject matter of substantial
34 and credible adverse allegations received regarding the
35 candidate's reputation and integrity which, unless rebutted,
36 would be determinative of the candidate's unsuitability for
37 appointment. No rule or procedure shall be adopted that permits
38 the disclosure to the candidate of information from which the
39 candidate may infer the source, and no information shall either be
40 disclosed to the candidate nor be obtainable by any process

1 which would jeopardize the confidentiality of communications
2 from persons whose opinion has been sought on the candidate's
3 qualifications.

4 (e) All communications, written, verbal or otherwise, of and to
5 the Governor, the Governor's authorized agents or employees,
6 including, but not limited to, the Governor's Legal Affairs
7 Secretary and Appointments Secretary, or of and to the Inspector
8 General in furtherance of the purposes of this section are
9 absolutely privileged from disclosure and confidential, and any
10 communication made in the discretion of the Governor or the
11 Inspector General with a candidate or person providing
12 information in furtherance of the purposes of this section shall
13 not constitute a waiver of the privilege or a breach of
14 confidentiality.

15 (f) When the Governor has appointed a person to the position
16 of chief operating officer who has been found not qualified by
17 the Inspector General, the Inspector General shall make public
18 that finding, after due notice to the appointee of his or her
19 intention to do so. That notice and disclosure shall not constitute
20 a waiver of privilege or breach of confidentiality with respect to
21 communications of or to the Inspector General concerning the
22 qualifications of the appointee.

23 (g) No person or entity shall be liable for any injury caused by
24 any act or failure to act, be it negligent, intentional, discretionary,
25 or otherwise, in the furtherance of the purposes of this section,
26 including, but not limited to, providing or receiving any
27 information, making any recommendations, and giving any
28 reasons therefore.

29 (h) As used in this section, the term "Inspector General"
30 includes employees and agents of the Office of the Inspector
31 General.

32 (i) At any time prior to the receipt of the review from the
33 Inspector General specified in subdivision (b), the Governor may
34 withdraw the name of any person submitted to the Inspector
35 General for evaluation pursuant to this section.

36 (j) No candidate for the position of chief operating officer may
37 be appointed until the Inspector General has advised the
38 Governor pursuant to this section, or until 90 days have elapsed
39 after submission of the candidate's name to the Inspector
40 General, whichever occurs earlier. The requirement of this

subdivision shall not apply to any vacancy in the position of chief operating officer occurring within the 90 days preceding the expiration of the Governor's term of office, provided, however, that with respect to those vacancies, the Governor shall be required to submit any candidate's name to the Inspector General in order to provide him or her an opportunity, if time permits, to review and make a report.

(k) Nothing in this section shall be construed as imposing an additional requirement for an appointment or nomination to the position of chief operating officer, nor shall anything in this section be construed as adding any additional qualifications for the position of chief operating officer.

SEC. 64. Section 7518 of the Penal Code is amended to read:

7518. (a) The Department of Corrections and Rehabilitation and local health officers shall adopt guidelines for the making of decisions pursuant to this chapter in consultation with the Office of AIDS in the State Department of Health Services. The guidelines shall be based on the latest written guidelines of HIV transmission and infection established by the federal Centers for Disease Control and Prevention.

(b) Oversight responsibility for implementation of the applicable provisions of this title, including the oversight of reports involving parole officers and the staff of state adult and youth correctional facilities shall be vested with the Chief of Medical Services in the Department of Corrections and Rehabilitation.

Oversight responsibility at the county, the city, or the county and city level shall rest with the local health officer.

SEC. 65. The heading of Title 4.5 (commencing with Section 13600) of Part 4 of the Penal Code is amended to read:

TITLE 4.5. CORRECTIONS STANDARDS AUTHORITY

SEC. 66. Section 13600 of the Penal Code is amended to read:

13600. (a) Commencing July 1, 2005, any reference to the Commission on Correctional Peace Officer Standards and Training or "CPOST" shall refer to the Corrections Standards Authority established pursuant to Chapter 5 (commencing with Section 6024) of Title 7 of Part 3. As of that date, the

1 Commission on Correctional Peace Officer Standards and
2 Training is abolished.

3 (b) The Legislature finds and declares that peace officers of
4 the state correctional system, including youth and adult
5 correctional facilities, fulfill responsibilities that require creation
6 and application of sound selection criteria for applicants and
7 standards for their training prior to assuming their duties. For the
8 purposes of this section, correctional peace officers are peace
9 officers as defined in Section 830.5 and employed or designated
10 by the Department of Corrections and Rehabilitation.

11 The Legislature further finds that sound applicant selection and
12 training are essential to public safety and in carrying out the
13 missions of the Department of Corrections and Rehabilitation in
14 the custody and care of the state's offender population. The
15 greater degree of professionalism which will result from sound
16 screening criteria and a significant training curriculum will
17 greatly aid the department in maintaining smooth, efficient, and
18 safe operations and effective programs in the department.

19 (c) The Secretary of the Department of Corrections and
20 Rehabilitation shall, with advice from the Corrections Standards
21 Authority, appoint a subordinate officer to serve as executive
22 director of the board. The subordinate officer shall serve at the
23 pleasure of the secretary. The subordinate officer shall appoint
24 staff as provided for in the annual Budget Act, beginning in the
25 2005-06 fiscal year.

26 SEC. 67. Section 13601 of the Penal Code is amended to
27 read:

28 13601. (a) The Corrections Standards Authority shall
29 develop, approve, and monitor standards for the selection and
30 training of state correctional peace officer apprentices. Any
31 standard for selection established under this subdivision shall be
32 subject to approval by the State Personnel Board. Using the
33 psychological and screening standards established by the State
34 Personnel Board, the State Personnel Board or the Department of
35 Corrections and Rehabilitation, Division of Juvenile Facilities
36 shall ensure that, prior to training, each applicant who has
37 otherwise qualified in all physical and other testing requirements
38 to be a peace officer in either a youth or adult correctional
39 facility, is determined to be free from emotional or mental

1 conditions that might adversely affect the exercise of his or her
2 duties and powers as a peace officer.

3 (b) The authority may approve standards for a course in the
4 carrying and use of firearms for correctional peace officers that is
5 different from that prescribed pursuant to Section 832. The
6 standards shall take into consideration the different
7 circumstances presented within the institutional setting from that
8 presented to other law enforcement agencies outside the
9 correctional setting.

10 (c) Notwithstanding Section 3078 of the Labor Code, the
11 length of the probationary period for correctional peace officer
12 apprentices shall be determined by the authority subject to
13 approval by the State Personnel Board, pursuant to Section
14 19170 of the Government Code.

15 (d) The authority shall develop, approve, and monitor
16 standards for advanced rank-and-file and supervisory state
17 correctional peace officer and training programs for the
18 Department of Corrections and Rehabilitation. When a
19 correctional peace officer is promoted within the department, he
20 or she shall be provided with and be required to complete these
21 secondary training experiences.

22 (e) The authority shall develop, approve, and monitor
23 standards for the training of state correctional peace officers in
24 the department in the handling of stress associated with their
25 duties.

26 (f) Toward the accomplishment of the objectives of this act,
27 the authority may confer with, and may avail itself of the
28 assistance and recommendations of, other state and local
29 agencies, boards, or commissions.

30 (g) Notwithstanding the authority of the authority, the
31 department shall design and deliver training programs, shall
32 conduct validation studies, and shall provide program support.
33 The authority shall monitor program compliance by the
34 department.

35 (h) The authority may disapprove any training courses created
36 by the department pursuant to the standards developed by the
37 authority if it determines that the courses do not meet the
38 prescribed standards.

39 (i) The authority shall annually submit an estimate of costs to
40 conduct those inquiries and audits as may be necessary to

1 determine whether the department and each of its institutions and
2 parole regions are adhering to the standards developed by the
3 authority, and shall conduct those inquiries and audits consistent
4 with the annual Budget Act.

5 (j) The authority shall establish and implement procedures for
6 reviewing and issuing decisions concerning complaints or
7 recommendations from interested parties regarding authority
8 rules, regulations, standards, or decisions.

9 SEC. 68. Section 13602 of the Penal Code is amended to
10 read:

11 13602. (a) The Department of Corrections and Rehabilitation
12 may use the training academy at Galt or the training center in
13 Stockton. The academy at Galt shall be known as the Richard A.
14 McGee Academy. The training divisions, in using the funds,
15 shall endeavor to minimize costs of administration so that a
16 maximum amount of the funds will be used for providing
17 training and support to correctional peace officers while being
18 trained by the department.

19 (b) Each new cadet who attends an academy shall complete
20 the course of training, pursuant to standards approved by the
21 Corrections Standards Authority before he or she may be
22 assigned to a post or job as a peace officer. Every newly
23 appointed first-line or second-line supervisor in the Department
24 of Corrections and Rehabilitation shall complete the course of
25 training, pursuant to standards approved by the authority for that
26 position.

27 (c) The Department of Corrections and Rehabilitation shall
28 make every effort to provide training prior to commencement of
29 supervisory duties. If this training is not completed within six
30 months of appointment to that position, any first-line or
31 second-line supervisor shall not perform supervisory duties until
32 the training is completed.

33 SEC. 69. Section 13603 of the Penal Code is amended to
34 read:

35 13603. (a) The Department of Corrections and Rehabilitation
36 shall provide 16 weeks of training to each correctional peace
37 officer cadet. Except as provided by subdivision (b), this training
38 shall be completed by the cadet prior to his or her assignment to
39 a post or position as a correctional peace officer.

(b) If an agreement is reached between the department and the bargaining unit for the correctional peace officers that this subdivision shall apply, and with the approval of the Corrections Standards Authority on how to implement the on-the-job training requirements of the subdivision, the department shall provide a total of 16 weeks of training to each correctional peace officer cadet as follows:

(1) Twelve weeks of the training shall be at the department's training academy. Cadets shall be sworn in as correctional peace officers upon the completion of this initial 12 weeks.

(2) Four weeks shall be at the institution where the cadet is assigned to a post or position.

(c) The department shall provide a minimum of two weeks of training to each newly appointed first-line supervisor.

(d) Training standards previously established pursuant to this section shall remain in effect until training requirements are established by the Corrections Standards Authority pursuant to Section 13602.

SEC. 70. Section 13810 of the Penal Code is amended to read:

13810. There is hereby created in the state government the California Council on Criminal Justice, which shall be composed of the following members: the Attorney General; the Administrative Director of the Courts; 19 members appointed by the Governor, including the Commissioner of the Department of the Highway Patrol, the Secretary of the Department of Corrections and Rehabilitation, or his or her designee, a subordinate officer of the Secretary of Corrections and Rehabilitation, and the State Public Defender; eight members appointed by the Senate Rules Committee; and eight members appointed by the Speaker of the Assembly.

The remaining appointees of the Governor shall include different persons from each of the following categories: a district attorney, a sheriff, a county public defender, a county probation officer, a member of a city council, a member of a county board of supervisors, a faculty member of a college or university qualified in the field of criminology, police science, or law, a person qualified in the field of criminal justice research and six private citizens, including a representative of a citizens, professional, or community organization. The Senate Committee

on Rules shall include among its appointments different persons from each of the following categories: a member of the Senate Committee on Criminal Procedure, a representative of the counties, a representative of the cities, a judge designated by the Judicial Council, and four private citizens, including a representative of a citizens, professional, or community organization. The Speaker of the Assembly shall include among his appointments different persons from each of the following categories: a representative of the counties, a representative of the cities, a member of the Assembly Committee on Public Safety, a chief of police, a peace officer, and three private citizens, including a representative of a citizens, professional, or community organization directly related to delinquency prevention.

The Governor shall select a chairman from among the members of the council.

SEC. 71. Section 14204 of the Penal Code is amended to read:

14204. The Attorney General shall provide training on the services provided by the center to line personnel, supervisors, and investigators in the following fields: law enforcement, district attorneys' offices, the Department of Corrections and Rehabilitation, probation departments, court mediation services, and the judiciary. The Corrections Standards Authority shall provide for the presentation of training to peace officers which will enable them to more efficiently handle, on the local level, the tracing of missing persons and victims of violent crimes.

SEC. 72. Section 1000 of the Welfare and Institutions Code is amended to read:

1000. Commencing July 1, 2005, any reference to the Department of the Youth Authority refers to the Department of Corrections and Rehabilitation, Division of Juvenile Facilities, which has jurisdiction over all educational training and treatment institutions now or hereafter established and maintained in the state as correctional schools for the reception of wards of the juvenile court and other persons committed to the department.

SEC. 73. Section 1703 of the Welfare and Institutions Code is amended to read:

1703. Commencing July 1, 2005, as used in this chapter the following terms have the following meanings:

1 (a) “Public offenses” means public offenses as that term is
2 defined in the Penal Code.

3 (b) “Court” includes any official authorized to impose
4 sentence for a public offense.

5 (c) “Youth Authority,” “Authority,” “authority,” or “division”
6 means the Department of Corrections and Rehabilitation,
7 Division of Juvenile Facilities.

8 (d) “Board” or “board” means the Board of Parole Hearings:
9 ~~Until~~, *until* January 1, 2007, at which time “board” shall refer to
10 the body created to hear juvenile parole matters under the
11 jurisdiction of the Chief Deputy Secretary for Juvenile Justice in
12 the Department of Corrections and Rehabilitation.

13 (e) The masculine pronoun includes the feminine.

14 SEC. 74. Section 1710 of the Welfare and Institutions Code is
15 amended to read:

16 1710. (a) Commencing July 1, 2005, any reference to the
17 Department of the Youth Authority in this or any other code
18 refers to the Department of Corrections and Rehabilitation,
19 Division of Juvenile Facilities.

20 (b) The Legislature finds and declares the following:

21 (1) The purpose of the Division of Juvenile Facilities within
22 the Department of Corrections and Rehabilitation is to protect
23 society from the consequences of criminal activity by providing
24 for the secure custody of wards, and to effectively and efficiently
25 operate and manage facilities housing youthful offenders under
26 the jurisdiction of the department, consistent with the purposes
27 set forth in Section 1700.

28 (2) The purpose of the Division of Juvenile Programs within
29 the Department of Corrections and Rehabilitation is to provide
30 comprehensive training, treatment, and rehabilitative services to
31 youthful offenders under the jurisdiction of the department, that
32 are designed to promote community restoration, accountability to
33 victims and to produce youth who become law-abiding and
34 productive members of society, consistent with the purposes set
35 forth in Section 202.

36 (3) The purpose of the Division of Juvenile Parole Operations
37 within the Department of Corrections and Rehabilitation is to
38 monitor and supervise the reentry into society of youthful
39 offenders under the jurisdiction of the department, and to
40 promote the successful reintegration of youthful offenders into

1 society, in order to reduce the rate of recidivism, thereby
2 increasing public safety.

3 SEC. 75. Section 1711 of the Welfare and Institutions Code is
4 amended to read:

5 1711. Commencing July 1, 2005, any reference to the
6 Director of the Youth Authority shall be to the Chief Deputy
7 Secretary for Juvenile Justice in the Department of Corrections
8 and Rehabilitation, unless otherwise expressly provided.

9 SEC. 76. Section 1712 of the Welfare and Institutions Code is
10 amended to read:

11 1712. (a) All powers, duties, and functions pertaining to the
12 care and treatment of wards provided by any provision of law
13 and not specifically and expressly assigned to the Juvenile Justice
14 branch of the Department of Corrections and Rehabilitation, or to
15 the Board of Parole Hearings, shall be exercised and performed
16 by the Secretary of the Department of Corrections and
17 Rehabilitation. The secretary shall be the appointing authority for
18 all civil service positions of employment in the department. The
19 secretary may delegate the powers and duties vested in him or
20 her by law, in accordance with Section 7.

21 (b) Commencing July 1, 2005, the secretary is authorized to
22 make and enforce all rules appropriate to the proper
23 accomplishment of the functions of the Division of Juvenile
24 Facilities, Division of Juvenile Programs, and Division of
25 Juvenile Parole Operations. The rules shall be promulgated and
26 filed pursuant to Chapter 4.5 (commencing with Section 11371)
27 of Part 1 of Division 3 of Title 2 of the Government Code, and
28 shall, to the extent practical, be stated in language that is easily
29 understood by the general public.

30 (c) The secretary shall maintain, publish, and make available
31 to the general public, a compendium of rules and regulations
32 promulgated by the department pursuant to this section.

33 (d) The following exceptions to the procedures specified in
34 this section shall apply to the department:

35 (1) The department may specify an effective date that is any
36 time more than 30 days after the rule or regulation is filed with
37 the Secretary of State; provided that no less than 20 days prior to
38 that effective date, copies of the rule or regulation shall be posted
39 in conspicuous places throughout each institution and shall be
40 mailed to all persons or organizations who request them.

1 (2) The department may rely upon a summary of the
2 information compiled by a hearing officer; provided that the
3 summary and the testimony taken regarding the proposed action
4 shall be retained as part of the public record for at least one year
5 after the adoption, amendment, or repeal.

6 SEC. 77. Section 1713 of the Welfare and Institutions Code is
7 amended to read:

8 1713. (a) The Chief Deputy Secretary for Juvenile Justice in
9 the Department of Corrections and Rehabilitation shall have wide
10 and successful administrative experience in youth or adult
11 correctional programs embodying rehabilitative or delinquency
12 prevention concepts.

13 (b) The Governor may request the State Personnel Board to
14 use extensive recruitment and merit selection techniques and
15 procedures to provide a list of persons qualified for appointment
16 as that subordinate officer. The Governor may appoint any
17 person from such list of qualified persons or may reject all names
18 and appoint another person who meets the requirements of this
19 section.

20 SEC. 78. Section 1714 of the Welfare and Institutions Code is
21 amended to read:

22 1714. The Secretary of the Department of Corrections and
23 Rehabilitation may transfer persons confined in one institution or
24 facility of the Division of Juvenile Facilities to another.

25 SEC. 79. Section 1716 of the Welfare and Institutions Code is
26 amended to read:

27 1716. Commencing July 1, 2005, any reference to the Youth
28 Authority Board refers to the Board of Parole Hearings. As of
29 that date, the Youth Authority Board is abolished.

30 SEC. 80. Section 1717 of the Welfare and Institutions Code is
31 repealed.

32 SEC. 81. Section 1718 of the Welfare and Institutions Code is
33 repealed.

34 SEC. 82. Section 1719 of the Welfare and Institutions Code is
35 amended to read:

36 1719. (a) Commencing July 1, 2005, the following powers
37 and duties shall be exercised and performed by the Board of
38 Parole Hearings: discharges of commitment, orders to parole and
39 conditions thereof, revocation or suspension of parole, and
40 disciplinary appeals.

1 (b) Any ward may appeal an adjustment to his or her parole
2 consideration date to a panel comprised of at least two
3 commissioners.

4 (c) The following powers and duties shall be exercised and
5 performed by the Division of Juvenile Facilities: return of
6 persons to the court of commitment for redispotion by the
7 court, determination of offense category, setting of parole
8 consideration dates, conducting annual reviews, treatment
9 program orders, institution placements, furlough placements,
10 return of nonresident persons to the jurisdiction of the state of
11 legal residence, disciplinary decisionmaking, and referrals
12 pursuant to Section 1800.

13 (d) The department shall promulgate policies and regulations
14 implementing a departmentwide system of graduated sanctions
15 for addressing ward disciplinary matters. The disciplinary
16 decisionmaking system shall be employed as the disciplinary
17 system in facilities under the jurisdiction of the Division of
18 Juvenile Facilities, and shall provide a framework for handling
19 disciplinary matters in a manner that is consistent, timely,
20 proportionate, and ensures the due process rights of wards. The
21 department shall develop and implement a system of graduated
22 sanctions which distinguishes between minor, intermediate, and
23 serious misconduct. The department may extend a ward's parole
24 consideration date, subject to appeal pursuant to subdivision (b),
25 from one to not more than 12 months, inclusive, for a sustained
26 serious misconduct violation if all other sanctioning options have
27 been considered and determined to be unsuitable in light of the
28 ward's previous case history and the circumstances of the
29 misconduct. In any case in which a parole consideration date has
30 been extended, the disposition report shall clearly state the
31 reasons for the extension. The length of any parole consideration
32 date extension shall be based on the seriousness of the
33 misconduct, the ward's prior disciplinary history, the ward's
34 progress toward treatment objectives, the ward's earned program
35 credits, and any extenuating or mitigating circumstances. The
36 department shall promulgate regulations to implement a table of
37 sanctions to be used in determining parole consideration date
38 extensions. The department also may promulgate regulations to
39 establish a process for granting wards who have successfully

1 responded to disciplinary sanctions a reduction of up to 50
2 percent of any time acquired for disciplinary matters.

3 SEC. 83. Section 1720 of the Welfare and Institutions Code is
4 amended to read:

5 1720. (a) The case of each ward shall be reviewed by the
6 department within 45 days of arrival at the department, and at
7 other times as is necessary to meet the powers or duties of the
8 board.

9 (b) The Division of Juvenile Facilities shall periodically
10 review the case of each ward for the purpose of determining
11 whether existing orders and dispositions in individual cases
12 should be modified or continued in force. These reviews shall be
13 made as frequently as the department considers desirable and
14 shall be made with respect to each ward at intervals not
15 exceeding one year.

16 (c) The ward shall be entitled to notice if his or her annual
17 review is delayed beyond one year after the previous annual
18 review hearing. The ward shall be informed of the reason for the
19 delay and of the date the review hearing is to be held.

20 (d) Failure of the division to review the case of a ward within
21 15 months of a previous review shall not of itself entitle the ward
22 to discharge from the control of the division but shall entitle him
23 or her to petition the superior court of the county from which he
24 or she was committed for an order of discharge, and the court
25 shall discharge him or her unless the court is satisfied as to the
26 need for further control.

27 (e) Reviews conducted by the division pursuant to this section
28 shall be written and shall include, but not be limited to, the
29 following: verification of the treatment or program goals and
30 orders for the ward to ensure the ward is receiving treatment and
31 programming that is narrowly tailored to address the correctional
32 treatment needs of the ward and is being provided in a timely
33 manner that is designed to meet the parole consideration date set
34 for the ward; an assessment of the ward's adjustment and
35 responsiveness to treatment, programming, and custody; a review
36 of the ward's disciplinary history and response to disciplinary
37 sanctions; an updated individualized treatment plan for the ward
38 that makes adjustments based on the review required by this
39 subdivision; an estimated timeframe for the ward's
40 commencement and completion of the treatment programs or

1 services; and a review of any additional information relevant to
2 the ward's progress.

3 (f) The division shall provide copies of the reviews prepared
4 pursuant to this section to the court and the probation department
5 of the committing county.

6 SEC. 84. Section 1721 of the Welfare and Institutions Code is
7 repealed.

8 SEC. 85. Section 1722 of the Welfare and Institutions Code is
9 repealed.

10 SEC. 86. Section 1723 of the Welfare and Institutions Code is
11 amended to read:

12 1723. (a) Every order granting or revoking parole or issuing
13 final discharges to any person under the jurisdiction of the
14 division shall be made by the board or its designee, as authorized
15 by this article.

16 (b) All other powers conferred to the board concerning wards
17 under the jurisdiction of the division may be exercised through
18 subordinates or delegated to the division under rules established
19 by the board. Any person subjected to an order of those
20 subordinates or of the division pursuant to that delegation may
21 petition the board for review. The board may review those orders
22 under appropriate rules and regulations.

23 (c) All board designees shall be subject to the training required
24 pursuant to Section 5075.6 of the Penal Code.

25 SEC. 87. Section 1725 of the Welfare and Institutions Code is
26 amended to read:

27 1725. (a) Commencing July 1, 2005, the Board of Parole
28 Hearings shall succeed, and shall exercise and perform all
29 powers and duties previously granted to, exercised by, and
30 imposed upon the Youthful Offender Parole Board and Youth
31 Authority Board, as authorized by this article. The Youthful
32 Offender Parole Board and Youth Authority Board are abolished.

33 (b) Commencing January 1, 2007, all commissioners
34 appointed and trained to hear juvenile parole matters, together
35 with their duties prescribed by law as functions of the Board of
36 Parole Hearings concerning wards under the jurisdiction of the
37 Department of Corrections and Rehabilitation, are transferred to
38 the Chief Deputy Secretary for Juvenile Justice.

39 SEC. 88. Section 1766 of the Welfare and Institutions Code is
40 amended to read:

1 1766. (a) When a person has been committed to the
2 Department of Corrections and Rehabilitation, Division of
3 Juvenile Facilities, the Board of Parole Hearings may, according
4 to standardized review and appeal procedures established by the
5 board in policy and regulation and subject to the powers and
6 duties enumerated in subdivision (a) of Section 1719 do any of
7 the following:

8 (1) Permit the ward his or her liberty under supervision and
9 upon conditions it believes are best designed for the protection of
10 the public.

11 (2) Order his or her confinement under conditions it believes
12 best designed for the protection of the public pursuant to the
13 purposes set forth in Section 1700, except that a person
14 committed to the division pursuant to Sections 731 or 1731.5
15 may not be held in physical confinement for a total period of
16 time in excess of the maximum periods of time set forth in
17 Section 731. Nothing in this subdivision limits the power of the
18 board to retain the minor or the young adult on parole status for
19 the period permitted by Sections 1769, 1770, and 1771.

20 (3) Order reconfinement or renewed release under supervision
21 as often as conditions indicate to be desirable.

22 (4) Revoke or modify any parole or disciplinary appeal order.

23 (5) Modify an order of discharge if conditions indicate that
24 such modification is desirable and when that modification is to
25 the benefit of the person committed to the division.

26 (6) Discharge him or her from its control when it is satisfied
27 that discharge is consistent with the protection of the public.

28 (b) Within 60 days of intake, the division shall provide the
29 court and the probation department with a treatment plan for the
30 ward.

31 (c) A ward shall be entitled to an appearance hearing before a
32 panel of board commissioners for any action that would result in
33 the extension of a parole consideration date pursuant to
34 subdivision (d) of Section 5076.1 of the Penal Code.

35 (d) The department shall promulgate policies and regulations
36 to implement this section.

37 (e) Commencing on July 1, 2004, and annually thereafter, for
38 the preceding fiscal year, the department shall collect and make
39 available to the public the following information:

1 (1) The total number of ward case reviews conducted by the
2 division and the board, categorized by guideline category.

3 (2) The number of parole consideration dates for each
4 category set at guideline, above guideline, and below guideline.

5 (3) The number of ward case reviews resulting in a change to
6 a parole consideration date, including the category assigned to
7 the ward, the amount of time added to or subtracted from the
8 parole consideration date, and the specific reason for the change.

9 (4) The percentage of wards who have had a parole
10 consideration date changed to a later date, the percentage of
11 wards who have had a parole consideration date changed to an
12 earlier date, and the average annual time added or subtracted per
13 case.

14 (5) The number and percentage of wards who, while confined
15 or on parole, are charged with a new misdemeanor or felony
16 criminal offense.

17 (6) Any additional data or information identified by the
18 department as relevant.

19 (f) As used in subdivision (e), the term “ward case review”
20 means any review of a ward that changes, maintains, or
21 appreciably affects the programs, treatment, or placement of a
22 ward.

23 SEC. 89. Section 1798 of the Welfare and Institutions Code is
24 amended to read:

25 1798. As of July 1, 2005, the State Commission on Juvenile
26 Justice, Crime and Delinquency Prevention is abolished.

27 SEC. 90. Section 1798.5 of the Welfare and Institutions Code
28 is repealed.

29 SEC. 91. Section 1798.5 is added to the Welfare and
30 Institutions Code, to read:

31 1798.5. (a) Commencing July 1, 2005, there is hereby
32 established within the Department of Corrections and
33 Rehabilitation the State Commission on Juvenile Justice. The
34 commission shall advise the Secretary of the Department of
35 Corrections and Rehabilitation and the Chief Deputy Secretary of
36 Juvenile Justice of the department. The purpose of the
37 commission is to provide comprehensive oversight, planning and
38 coordination of efforts leading to the improvement of juvenile
39 justice among state and local agencies.

(b) The commission shall be composed of 11 members, one of whom shall be the Chief Deputy Secretary of Juvenile Justice for the department, or his or her designee, who shall be designated as the chairperson. One member shall be appointed by the Senate Rules Committee. One member shall be appointed by the Speaker of the Assembly. The remaining eight members shall be appointed by the Governor after consultation with, and with the advice of, the secretary of the department, and with the advice and consent of the Senate. The gubernatorial appointments shall include all of the following:

(1) A chief probation officer.

(2) A county sheriff.

(3) A manager or administrator of a county local detention facility for juveniles.

(4) A rank and file representative from local juvenile corrections.

(5) A representative from a community-based organization serving at-risk youth.

(6) A judge of the juvenile court.

(7) Two members of the public, at least one of whom shall represent the interests of crime victims.

(c) The terms of the members appointed by the Governor shall expire as follows: four on July 1, 2007, and four on July 1, 2008. The terms of the members appointed by the Senate Rules Committee and the Speaker of the Assembly shall expire on July 1, 2008. Successor members shall hold office for terms of three years, each term to commence on the expiration date of the predecessor. Any appointment to a vacancy that occurs for any reason other than expiration of the term shall be for the remainder of the unexpired term. Members are eligible for reappointment.

(d) The commission shall select a vice chairperson from among its members. Six members of the board shall constitute a quorum.

(e) If any member appointed by the Governor is not in attendance for three consecutive meetings the commission may recommend to the Governor that the member be removed and the Governor may make a new appointment, with the advice and consent of the Senate, for the remainder of the term.

1 SEC. 92. Section 3150 of the Welfare and Institutions Code is
2 amended to read:

3 3150. Commencing July 1, 2005, any reference to the
4 Narcotic Addict Evaluation Authority refers to the Board of
5 Parole Hearings, any reference to the chairperson of the authority
6 is to the chair of the board, and any reference to a member of the
7 authority is to a commissioner of the board.

8 (b) The board shall conduct a full and complete study of the
9 cases of all patients who are certified by the Secretary of the
10 Department of Corrections and Rehabilitation to the board as
11 having recovered from addiction or imminent danger of addiction
12 to such an extent that release in an outpatient status is warranted.

13 (c) Members of other similar boards may be assigned to hear
14 cases and make recommendations to the board on these matters.
15 Those recommendations shall be made in accordance with
16 policies established by a majority of the total membership of the
17 board.

18 SEC. 93. Section 3151 of the Welfare and Institutions Code is
19 amended to read:

20 3151. Commencing July 1, 2005, after an initial period of
21 observation and treatment, and subject to the rules and policies
22 established by the secretary, whenever a person committed under
23 Article 2 or Article 3 of this chapter has recovered from his
24 addiction or imminent danger of addiction to such an extent that,
25 in the opinion of the secretary, release in an outpatient status is
26 warranted, the secretary shall certify that fact to the board. If the
27 secretary has not so certified within the preceding 12 months, in
28 the anniversary month of the commitment of any person
29 committed under this chapter his case shall automatically be
30 referred to the board for consideration of the advisability of
31 release in outpatient status. Upon certification by the secretary or
32 upon automatic certification, the board may release the person in
33 an outpatient status subject to all rules and regulations adopted
34 by the board, and subject to all conditions imposed by the board,
35 whether of general applicability or restricted to the particular
36 person released in outpatient status, and subject to being retaken
37 and returned to inpatient status as prescribed in those rules,
38 regulations, or conditions. The supervision of those persons
39 while in an outpatient status shall be administered by the

1 department. Those persons are not subject to the provisions of
2 Section 2600 of the Penal Code.

3 A single commissioner of the board may, by written or oral
4 order, suspend the release in outpatient status of a person and
5 cause him or her to be retaken, until the next meeting of the
6 board. The written order of any commissioner shall be a
7 sufficient warrant for any peace officer to return persons to
8 physical custody.

9 It is the duty of all peace officers to execute any order under
10 this section in the same manner as ordinary criminal process.

11 SEC. 94. Section 3157 of the Welfare and Institutions Code is
12 repealed.

13 SEC. 95. Section 3158 of the Welfare and Institutions Code is
14 amended to read:

15 3158. Notwithstanding Section 11425.10 of the Government
16 Code, Chapter 4.5 (commencing with Section 11400) of Part 1 of
17 Division 3 of Title 2 of the Government Code does not apply to a
18 release hearing or other adjudication concerning rights of a
19 person committed to the custody of the secretary by the board.

20 SEC. 96. Section 3300 of the Welfare and Institutions Code is
21 amended to read:

22 3300. There is hereby established an institution and branches,
23 under the jurisdiction of the Department of Corrections and
24 Rehabilitation, to be known as the California Rehabilitation
25 Center. Branches may be established in existing institutions of
26 the Department of Corrections and Rehabilitation, Division of
27 Adult Operations, in halfway houses as described in Section
28 3153, in such other facilities as may be made available on the
29 grounds of other state institutions, and in city and county
30 correctional facilities where treatment facilities are available.
31 Branches shall not be established on the grounds of such other
32 institutions in any manner which will result in the placement of
33 patients of such institutions into inferior facilities. Branches
34 placed in a facility of the State Department of Mental Health
35 shall have prior approval of the Director of Mental Health, and
36 branches placed in a facility of the State Department of
37 Developmental Services shall have the prior approval of the
38 Director of Developmental Services. Commencing July 1, 2005,
39 the branches in the Department of Corrections and
40 Rehabilitation, Division of Juvenile Facilities shall be established

1 by order of the secretary, and shall be subject to his or her
2 administrative direction. Branches placed in city or county
3 facilities shall have prior approval of the legislative body of the
4 city or county.

5 Persons confined pursuant to this section in branches
6 established in city and county correctional facilities shall be
7 housed separately from the prisoners therein, and shall be entitled
8 to receive treatment substantially equal to that which would be
9 afforded those persons if confined in the main institution of the
10 California Rehabilitation Center.

11 SEC. 97. Section 3309 of the Welfare and Institutions Code is
12 amended to read:

13 3309. Commencing July 1, 2005, the Secretary of the
14 Department of Corrections and Rehabilitation shall make rules
15 and regulations for the government of the community
16 correctional centers in the management of their affairs.

17 SEC. 98. Section 48 of Governor's Reorganization Plan No.
18 1, as submitted to the Legislature on February 22, 2005, is not
19 operative.

20 SEC. 99. This act shall become operative only if the
21 Governor's Reorganization Plan No. 1 becomes effective. This
22 measure shall become operative as of July 1, 2005. However, in
23 order to facilitate a smooth transition to the operations of the
24 newly reorganized department, the Secretary of the Department
25 of Corrections and Rehabilitation shall retain and exercise
26 authority over all operations of all divisions of the department
27 until January 1, 2006.

28 SEC. 100. It is the intent of the Legislature that the changes
29 made in this act supplement and refine the changes proposed by
30 Governor's Reorganization Plan No. 1, as submitted to the
31 Legislature on February 22, 2005, and to the extent that any
32 conflicts exist between this act and that measure, the changes
33 made in this act shall prevail.

34 SEC. 101. (a) *It is the intent of the Legislature that nothing*
35 *in this act shall compromise public safety or cause public safety*
36 *to become subordinate to economic or other interests.*

37 (b) *It is the intent of the Legislature that any expansion of*
38 *rehabilitation programs by this act shall not change the public*
39 *safety objective, nor shall the creation of new education,*

1 *rehabilitation, or parole programs or alternatives pursuant to*
2 *this act be construed to create new entitlements.*

3 *(c) It is the intent of the Legislature that this act is not*
4 *designed to create new programs that are alternatives to*
5 *incarceration. Any additional programs should be*
6 *evidence-based, result-oriented and subject to periodic review.*

7 ~~SEC. 101.~~

8 *SEC. 102.* This act is an urgency statute necessary for the
9 immediate preservation of the public peace, health, or safety
10 within the meaning of Article IV of the Constitution and shall go
11 into immediate effect. The facts constituting the necessity are:

12 In order to ensure that Governor's Reorganization Plan No. 1
13 will be effectively and efficiently implemented, it is necessary
14 that this act take effect immediately.